

ESTTA Tracking number: **ESTTA227226**

Filing date: **07/30/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91184531
Party	Plaintiff Chatam International Incorporated
Correspondence Address	Paul M. Lewis, Esquire Charles Jacquin et Cie. Inc. 2633 Trenton Avenue Philadelphia, PA 19125 UNITED STATES plewis@jacquins.com
Submission	Other Motions/Papers
Filer's Name	Paul M. Lewis
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Date	07/30/2008
Attachments	Jack Quinn No Service.pdf ( 3 pages )(42693 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CHATAM INTERNATIONAL INCORPORATED	:	
	:	
OPPOSER,	:	
	:	OPPOSITION NO.
v.	:	91184531
	:	
AGAVE ROSE WINE COMPANY, LLC	:	S.N. 77254024
	:	Mark: JACK QUINN
APPLICANT .	:	

**NOTICE OF NO SERVICE OF APPLICANT'S ANSWER  
TO THE NOTICE OF OPPOSITION**

Opposer Chatam International Incorporated, through its attorney of record, has not received proper service of Applicant's Answer to the Notice of Opposition which said Answer was due on July 21, 2008. Opposer waited more than an appropriate 5 days from July 21, 2008 for receipt of Applicant's Answer and no service of Applicant's Answer was made. Previously on July 22, 2008, Opposer had learned through the Trademark Trial and Appeal Board's Inquiry System (TTABVUE) that Applicant filed an Answer with the Board on July 11, 2008 with the attached Answer's Certificate of Service stating the Answer was served on July 11, 2008 "by depositing a copy in the United States, first class postage prepaid". However, no proper service of Applicant's Answer was made on Opposer. Therefore, service of Applicant's Answer was not made by Applicant's attorney in accordance with the Rules and there is no evidence of proof of service.

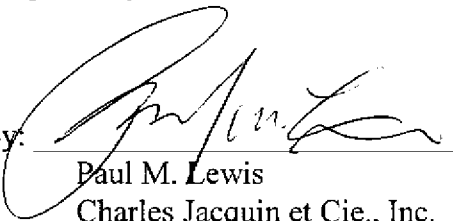
Opposer respectfully requests an order from the Board that evidence of proof of proper service be made by Applicant's attorney. If no evidence of proper service can be made, Opposer respectfully requests the Board to sustain the opposition in favor of Opposer by default judgment.

Still further, Opposer respectfully requests the Board to suspend proceedings in this matter until such time the Board determines appropriate action.

Respectfully submitted,

Dated: July 30, 2008

By:



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Attorney for Opposer

CERTIFICATE OF SERVICE

This will hereby certify that Opposer's Notice of No Service of Applicant's Answer to the Notice of Opposition was served on Applicant's attorney of record by UPS Overnight Air Courier this same day addressed as follows:

John L. Hay, Esquire  
Gust Rosenfeld PLC  
201 East Washington  
Suite 800  
Phoenix, Arizona 85004-2327

Dated: 7-30-08

Margaret E. Hayer